

Utah Insurance Department
State Office Building, Rm 3110
Salt Lake City, UT 84114
Sandy Glaze, Market Conduct Examiner
Telephone: (801) 538-3345
Email: sglaze@utah.gov

UTAH INSURANCE DEPARTMENT

COMPLAINANT, :

EDWARDS, RYAN BENNETT
528 WALTON DRIVE
NORTH SALT LAKE, UTAH 84054

Email: ryan.edwardo@gmail.com

RESPONDENT, :

License No. 479333

**NOTICE OF INFORMAL
AGENCY ACTION
AND ORDER**

Docket No. 2017-071 PC

Enf. Case No. 3923

Brett Barratt
Presiding Officer

The Utah Insurance Department has commenced this informal adjudicative proceeding pursuant to Utah Code Ann. §§ 31A-2-201, 31A-2-308 and 63G-4-203 and Utah Admin. Code R590-160. Based upon information contained in the Department's files or known to the Department, the presiding officer enters the following:

FINDINGS OF FACT

1. Respondent is an Individual Resident Producer authorized to do the business of insurance in the State of Utah, holding License Number 479333.
2. Respondent failed to provide a substantive response to an inquiry from the Insurance Commissioner regarding a consumer complaint, file # 68452. The written requests for information occurred on three separate occasions: January 23, 2017; February 21, 2017; and February 27, 2017. Department personnel also made telephone contact and left a message for Respondent to return the call.

3. The Market Conduct Division received documentation of the compliance violation regarding the consumer complaint and Respondent's failure to provide complete and accurate information to an inquiry from the Commissioner.
4. Market Conduct Examiner Sandy Glaze emailed Respondent on March 9, 2017, requesting information to be provided in person with several specific date and time options.
5. On March 15, 2017, Ms. Glaze mailed a copy of the March 9, 2017 email and email attachments to Respondent at the home and business address on file.
6. An additional email was sent to Respondent on March 15, 2017, with a specified date and time to meet with Respondent on March 29, 2017. This information was also mailed to addresses on file for Respondent.
7. Respondent failed to reply to any of the communications and did not attend the appointment.
8. On March 30, 2017, during regular business hours posted by Respondent, Ms. Glaze visited the business location at 15 South Highway 89, Suite 5, North Salt Lake, UT. The location had an "Available For Lease" banner posted to the left side of the door. Ms. Glaze notated Department records with license restrictions which require Respondent to contact the Department for any further license activity submissions.
9. Respondent contacted the Department on May 26, 2017, stating he was unable to become appointed with a new carrier. Respondent agreed to provide a substantive response and the license restriction was removed to allow for the insurer appointment.

10. Respondent stated he had not had access to the insurer-provided email address on file with the Department since his resignation with this insurer on March 22, 2017.
11. A new response date of June 12, 2017 was discussed and then emailed to Respondent at the email address provided by Respondent on May 26, 2017. Failure to provide a valid email address and the requirement to provide valid address information was also discussed; the email requirement was addressed in the May 26, 2017 email.
12. On June 11, 2017, Respondent emailed an incomplete response.
13. Respondent was notified by email on June 12, 2017, and on June 26, 2017, that the June 11, 2017 response was incomplete.
14. The Department's June 26, 2017 email was also mailed to the home address obtained from the new insurer: 528 Walton Dr., North Salt Lake, UT.
15. The June 26, 2017 email and mailed correspondence informed Respondent administrative action would be pursued if adequate information was not provided on June 26, 2017.
16. A complete and accurate response has not been received and addresses and email addresses have not been updated by Respondent.

Having entered the Findings of Fact, the Presiding Officer now enters the following:

CONCLUSIONS OF LAW

1. Respondent violated Utah Code Ann. §31A-2-202(1) by failing to cooperate.
2. Respondent violated Utah Code Ann. §31A-2-202(4) by failing to reply promptly in writing to a reasonable written inquiry from the Commissioner.
3. Respondent violated Utah Code Ann. §31A-2-202(6) by failing to submit accurate and complete information to the Commissioner.

4. Respondent violated Utah Code Ann. §31A-23a-412 and Utah Administrative Code R590-258 by failing to register and maintain valid addresses and email addresses and by failing to submit and maintain a valid email address pursuant to Rule.

5. An individual producer who violates an insurance statute or rule is subject to forfeiture of not more than \$2,500 for each violation pursuant to Utah Code Ann. §31A-2-308(1)(b)(i).

Based on the Findings of Fact and the Conclusions of Law, the Presiding Officer now enters the following Order:

ORDER

IT IS HEREBY ORDERED:

1. Respondent is assessed an administrative forfeiture in the amount of \$6,000. Said forfeiture shall be paid to the Department no later than ten (10) days after the date this Order becomes final.

2. Respondent shall provide a complete and accurate response to previous correspondence sent by the Department. The substantive response shall be provided no later than ten (10) days after the signed date of this Order.

3. Respondent shall provide the Market Conduct Examiner, Sandy Glaze, with evidence of compliance with Utah Code Ann. §31A-23a-412 and Utah Administrative Code R590-258 no later than ten (10) days after the signed date of this Order.

4. The Department will stay \$3,000 of the forfeiture amount once Respondent has fully cooperated with the Department.

5. Pursuant to Utah Administrative Code R590-160-7(1) this Order shall become final fifteen (15) days after the date of mailing unless a written request for a hearing is received from the Respondent in the offices of the Department prior to that date. A written request for a hearing shall be signed by the person making the request and shall state the basis for the relief requested.

DATED this 25th day of July, 2017.

TODD E. KISER
INSURANCE COMMISSIONER



BRETT BARRATT
Presiding Officer
Utah Insurance Department
State Office Building, Room 3110
Salt Lake City, UT 84114
Telephone: (801) 538-3800

NOTIFICATION

If you request a hearing regarding this matter, please send the written request to Utah Insurance Department, State Office Building Rm 3110, Salt Lake City, UT 84114 to Sandy Glaze's attention or email her at sglaze@utah.gov. If you have any questions, please contact Market Conduct Examiner, Sandy Glaze at (801)538-3345. Failure to request a hearing will be considered a failure to exhaust administrative remedies and will preclude any further administrative or judicial review or appeal of this matter.

You are further notified that a failure to obey an order of the Commissioner may subject you to further penalties, including forfeitures of up to \$2,500.00 per violation and the suspension or revocation of your license and the filing of an action to enforce this Order in District Court, which may impose forfeitures of up to \$10,000.00 per day for continued violation.

You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.


CERTIFICATION OF MAILING

The undersigned hereby certifies that on this date, a true and correct copy of the Notice of Informal Agency Action and Order was mailed, postage prepaid and electronically, to the following:

EDWARDS, RYAN BENNETT
528 WALTON DRIVE
NORTH SALT LAKE, UTAH 84054

Email: ryan.edwardo@gmail.com

Dated this 25th day of July, 2017.



JEANNE MITCHELL

UTAH INSURANCE DEPARTMENT
STATE OFFICE BUILDING, ROOM 3110
SALT LAKE CITY, UT 84114-6901